IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE TWENTY FOURTH DAY OF JANUARY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE GODA RAGHURAM

-

WRIT PETITION NO : 564 of 2005

Between:

Smt. P. Swarna Kumari, W/o Late Sri Sarigala David Raju Bakthavatsala,
IOWA Girls High School, Repalle, Guntur District.

..... PETITIONER

AND

1 The Regional Joint Director of School Education, Guntur.
2 The District Educational Officer, Guntur.
3 The Andhra Evangelical Lutheran Church, Guntur, Rep. by its President ,

Guntur, Guntur District.
4 Smt. Ch. Pushpavalli,
Luthern Girls High School, Renta Chintala, Guntur District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to declare the Proc.No. LCM 407, dt. 10th and 11th January, 2005 passed by the 3rd respondent herein transferring the petitioner from Repalle to Rentachintala as illegal, arbitrary and unjust by issuing appropriate writ of mandamus or any other order or direction.

Counsel for the Petitioner: MR.J.RAGHU

Counsel for the Respondent Nos.1 and 2: GP FOR EDUCATION

The Court made the following:

ORDER:

The petitioner assails the decision of the 3rd respondent in transferring her as Headmistress of the Church High School, Rentachintala, from her present position in Repalle.

To accommodate the medical requirements of the 4th respondent, she was transferred from Rentachintala to Repalle School. The petitioner has been transferred in the present position as Headmistress and she suffers no reversion to a lower rank or loss of emoluments. As transfer is an incident of service, no interference is called for.

The petitioner's contention that the ground of medical requirements of the 4th respondent is not an administrative ground legitimizing the action of the 3rd respondent in effecting the transfer impugned herein, is a contention that is misconceived. The other contention urged is that the petitioner is being transferred in the middle of the academic year. No statutory rule has been placed before this Court, which debars or prohibits transfer in the middle of an academic year. Administrative instructions in this area confer no justiciable right to interdict an order of transfer.

There are no merits in the writ petition and the same is accordingly dismissed at the stage of admission.

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24.01.2005

klp

To

1. The Regional Joint Director of School Education, Guntur.
2 The District Educational Officer, Guntur.
3 The President, Andhra Evangelical Lutheran Church, Guntur,

Guntur District.
4. 2 C.Cs to G.P. for Education, High court buildings, Hyderabad.

(O.U.T.)

5. 2CD copies.